

REMARKS

Claims 1 and 3-25 are all the claims pending in the application. Claims 22-25 are cancelled as being drawn to non-elected claims and in order to advance prosecution of this application toward allowance.

Claim Rejections - 35 USC § 102

Claims 1, 3, 5-12, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin as set forth in the previous office action. This rejection is traversed for at least the following reasons.

Full Flush/Inoperative Position

On page 2, section 1 of the Office Action the Examiner states that:

Nowhere in claim 1 does the language "In the event of a full flushing, the power-loaded part remains in an inoperative position". Applicants respectfully disagrees.

According to claim 1, the power-loaded part, in the event of a partial flushing process, is operative to move the valve member of the evacuation fitting and, as a result, the flushing process is prematurely interrupted. If in the event of a full flushing, the powerloaded part would not remain in an inoperative position, the flushing process would be prematurely interrupted and a part of the flushing water would remain in the flushing tank.

Applicants respectfully submit that claim 1 implicitly and inherently states, that in the event of a full flushing, the power-loaded part remains in an inoperative position. Thus, the argument is valid and supports a definition of the invention over the prior art.

Since this issue is joined and the Examiner appears to agree that this is a patentable distinction over the prior art, Applicants would agree to have the Examiner add language to claim 1 that explicitly states that, in the event of a full flushing, the power-loaded part remains in an inoperative position.

No Premature Interruption

The Examiner asserts that section 1, col. 2, line 30 et seq. of Martin teaches that the system has a flush action and it is time control to shut off; hence, the flushing process is prematurely interrupted. Applicants respectfully submit that this clearly is not correct.

In that passage it is stated, that flush commences simultaneously with manual depression of the flush valve actuator and is time controlled so as to produce a prolonged high energy surge of water which carries bowl waste into the sewer. Only the time of the flush is controlled but not the amount. And clearly it is not disclosed nor suggested to that the flush is prematurely interrupted. The water in the water vessel is always substantially evacuated. There is no possibility to interrupt the flushing. It is only possible to control the time of evacuation.

Dual Flush

In section 1 of the Office Action, the Examiner further states that “the claims never call for a dual flush, as argued by the applicant.”

However, in claim 1 it is expressly stated, "wherein either a partial flushing process or full flushing process can be carried out". Applicants respectfully submit that this language clearly calls for a dual flush. If the Examiner has an alternative phrasing to suggest that would make this express limitation more acceptable, contact with the undersigned is respectfully requested so that prosecution of this application can be efficiently completed.

Claim Rejections - 35 USC § 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Fish as set forth in the previous office action. This rejection is traversed for at least the following reasons.

This claim would be patentable for reasons previously given, and in view of the dependency of the claim from claim 1. Fish is not cited to, and does not remedy the deficiencies of Martin with regard to claim 1.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Kartoleksono as set forth in the previous office action. This rejection is traversed for at least the following reasons.

This claim would be patentable for reasons previously given, and in view of the dependency of the claim from claim 1. Kartoleksono is not cited to, and does not remedy the deficiencies of Martin with regard to claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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